



Indiana Court Times

Supreme Court, Division of State Court Administration
www.IN.gov/judiciary

Volume 15

Spring 2006

Number 1

Chief Justice Randall T. Shepard Gives State Of Judiciary Speech

On January 12, 2006, Chief Justice Randall T. Shepard delivered his annual State of the Judiciary Address to a joint session of the Indiana General Assembly. This is an excerpted version of his remarks. To watch a video of the speech and to download a text version, please visit: http://www.in.gov/judiciary/supreme/state_jud.html.

“Indiana’s Place in American Court Reform: Rarely First, Occasionally Last, Frequently Early”

In reporting about Indiana’s judiciary, I often relate recent challenges and changes but there is a bigger picture about where Indiana courts stand in the larger story of reinventing America’s challenged courts.

Areas of National Reform

Globalization. Justice John Paul Stevens gave a speech recently in Indianapolis about the effects of a globalizing world economy on the American court system. When an American employer strikes a deal with a business partner in Asia, both need to understand how their own domestic law and customary international law will affect the transaction. Likewise, lawyers here and overseas must facilitate that transaction by plying their trade far from home. State courts regulate the bar and are actively examining how to support those important business arrangements.

Globalization also shows up in every state’s back yard when immigrants who can’t speak English come to court. State courts are actively devising ways to assure them access to justice. Finding new ways to provide legal help to them and to other low-income Americans is a national priority.

Families. Judges spend every day working to strengthen families and improve the lives of children.

Last year a landmark report by a national commission that examined how government can do better for abused and neglected children. Last October there was a remarkable national summit of leaders in state courts and child protection agencies gathered to develop action plans to make that happen.



Left to right: Speaker of the Indiana House of Representatives, Brian Bosma, and Chief Justice Randall T. Shepard at the Judges Association Legislative Luncheon immediately preceding the State of the Judiciary Speech.

Ethics in Government. Judges and lawyers are in the middle of a major national effort to revise the rules of ethics that apply to courts. The scandal in Congressional lobbying makes this need ever more apparent.

Corrections, Guilt, and Innocence. The growing number of imprisoned people compels a search for effective and less expensive means of dealing with offenders and deterring repeaters. The latest inventive projects focus on courts as institutions that help solve problems, rather than as places that simply try cases. Today, there are many so-called “problem-solving courts”: drug courts, neighborhood courts, mental health courts, and re-entry courts, to name a few.

New Age and New Law. Since deTocqueville’s
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tour of nineteenth century America, courtrooms have been places where the changes in society show up quickly and present brand new legal questions: “What is privacy in the electronic age?” or “What do civil rights mean in the war on terror?”

Jury Reform. At the heart of American justice stands the right to a trial by jury. There is a national movement to improve the selection of jurors, to give jurors better tools to do their work, and to help them understand the laws they should apply.

Reform Starts at Home

In thinking about how Indiana connects to these major national initiatives, I’ve come around to a description that fits Indiana’s position on the question of law reform, not just today, but through much of its history: Rarely first, occasionally last, and frequently early.

In 2003, for example, we celebrated the 100th anniversary of Indiana’s first juvenile court, the third juvenile court in America, way ahead of most places. In the 1970’s, Indiana was the third state to adopt determinant sentencing. In the 1980’s, Indiana was the second state to adopt standards for lawyers who represent defendants in capital cases. In the 1990’s, we were the sixth or seventh state to launch a project on jury reform. Rarely first, occasionally last, frequently early.

Indiana Is Connected to Every Effort at American Court Reform

So, what has Indiana been doing on the leading national priorities I described?

Globalization. Indiana courts have been front-line participants in devising lawyer rules to facilitate international commerce, first to adopt the uniform rule admitting foreign lawyers to reside here and advise on the law of their home country. Indiana has sent judges and prosecutors overseas, to places like Kosovo, Iraq, and Afghanistan, to assist in devising new legal systems.

Families. Legislation passed last year requires a guardian or child advocate in every case with an abused or neglected child. Indiana has been both last and first. We were the last state to enact this comprehensive requirement – but Indiana has more local programs to recruit and train volunteers to represent the best interest of children than any other state; last year 2,000 adult volunteers helped more than 16,000 children.

Ethics. The national re-examination of the ethics rules for judges I mentioned is being led by the American

Bar Association, which recruited two Hoosiers to do the heaviest intellectual lifting as reporters for the commission: Professor Charles Geyh and Professor Emeritus William Hodes.

A close corollary of ethics reform is working to make government more accessible and “transparent.” Indiana has developed an award-winning project for public information and education about its courts. We do this in lots of different media, from printed materials to live lectures to public displays, and the Internet.

Corrections and Problem-Solving. A drug court is a court procedure under which the defendant can avoid prison by complying with a tight set of treatment requirements and extremely close monitoring directly by the judge. Something like thirty-five percent of the people sent to drug courts would otherwise be holding down DOC beds. The number of drug courts in Indiana is rising steadily and legislation passed last year strengthens this movement.

New Age Law. On issues like privacy and consumer protection in the electronic age, any list of America’s top ten legal scholars would include Professor Fred Cate of Bloomington, who advised our effort, led by Justice Brent Dickson, to devise new practices for improving public access to court records without making life easy for identity thieves or domestic abusers.

Legal Help for the Poor. Many states have long used a system to gather otherwise uncollected interest from lawyer trust accounts as a way of helping people who need legal assistance. Indiana was the last state to implement such a system. But we were the first state to commit that resource to building a network of volunteer lawyers to assist low-income people. Last year Indiana attorneys contributed over 20,000 hours of time to indigent Hoosiers through this unique network.

Jury Reform. We have made many improvements in how Indiana juries do their work. At the end of last year, we distributed the best list of potential jurors ever devised. Justice Ted Boehm led an effort with assistance from the Bureau of Motor Vehicles, the Department of Revenue, Purdue University, and local court personnel. This effort produced a disc for each county containing non-duplicated, up-to-date names and addresses for use in mailing jury summons. It includes 99 percent of the people living in Indiana who are eligible for jury service.

It will save a lot of money. In some counties, forty

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percent of the jury notices come back as undeliverable because the addresses are so out of date.

But, there's a more important reason it matters. Americans treasure the idea that we are entitled to a "jury of our peers." But many jury lists leave out lots of people, especially low-income people and minorities. This new initiative, a product of our Judicial Technology and Automation Committee, has produced the most inclusive list of possible jurors ever. The country's leading experts in jury reform made this Indiana development the lead story in their national electronic newsletter under the headline "List Heaven."

Indiana Supplies Leaders

Having listed some of the ways Indiana connects to the leading court issues of the day, I suggest that Indiana contributes to national reform in two ways: we provide leaders, and we export new ideas. Judge Michael Witte of Lawrenceburg, Indiana, is chair of the American Bar Association Conference of Specialized Court Judges and Justice Frank Sullivan is a leader on a project to help more minority law school graduates get appellate court clerkships and now guides the ABA Appellate Judges Conference. Judge Lorenzo Arredondo of Lake County has been a director of the American Judicature Society, the country's leading group on judicial selection and ethics. Judge John Baker of the Court of Appeals has served on the committee that devises education for appellate judges. Former Justice Myra Selby, now helping us on race and gender issues, earlier served on the body that accredits and therefore shapes America's 180 law schools. Court of Appeals Judges Margret Robb and Pat Riley are recognized leaders in the National Association of Women Judges. Judge Jim Payne, if he weren't now part of the Daniels Administration, would instead be today president of the National Council of Juvenile and Family Court Judges. Don Lundberg, who runs the Supreme Court's Disciplinary Commission, is presently treasurer of the National Association of Bar Counsel, the country's organization of lawyer disciplinary agencies.

And not far from the judicial circle, it is an honor for our state that the state attorneys general have chosen Attorney General Steve Carter as their president.

Indiana's contribution of national leaders goes well beyond judges and lawyers. Cathy Springer, the director of education at the Indiana Judicial Center, is a member of the faculty of the University of Memphis – the top place for the continuing legal education of judges. Anne Davidson, assistant director of the Indiana Continuing Legal Education Commission, was recently president of the national association of organizations that oversee CLE for lawyers, a group called ORACLE. And, Cheri Harris of Indiana has recently become the executive director of ORACLE.



Left to right: Lake Superior Court Judges Mary Beth Bonaventura and John Pera at the Judges Association Legislative Luncheon immediately preceding the State of the Judiciary Speech.

And the Judicial Family Institute, which helps spouses and children of judges navigate through judicial waters, was conceived and created by Justice Dickson's spouse, Jan Dickson, now widely regarded as having done more to help judicial families than any other single person.

They are people who contribute more than most folks during their day jobs and somehow manage to provide leadership above and beyond.

Indiana Exports Ideas

Second, and at least as important, Indiana is an exporter of ideas about better courts.

I will start with an example that even many judges in our state don't know about. There are two places in Indiana where we try most "mass tort" cases, litigation like asbestos claims. They are presided over by Judge Jeff Dywan in Lake County and Judge Ken Johnson in Marion County. Judge Johnson has developed a case management system for mass torts that is the envy of other judges elsewhere. In one four-week period it easily handled 300 cases with 15,000 claims.

Indiana's pro bono plan, by which thousands of Hoosier lawyers volunteer their time to assist low-in-

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come people in need of legal assistance has been emulated by states around the country. And several other states have taken our model on the Conference for Legal Education Opportunity (Indiana CLEO) to help minority and other disadvantaged college students become lawyers.

On the problem of language, last year we certified the first interpreters qualified to translate formal courtroom testimony. Last fall we completed a pilot program in Terre Haute to train local court personnel in Spanish. Next month, we will launch it state-wide.

We're also experimenting with a system called "Language Line," to provide translation services via telephone line. So far we've used it to assist people who spoke French, Somalian, Russian, Mongolian, Yeman, and Mextaco.

Quite aside from structural reform, Indiana has been a giver of useful caselaw. Every few weeks, thousands of American lawyers receive the Supreme Court Reporter, the latest cases of the U.S. Supreme Court. The editors of this publication search the country for decisions from other courts that they think lawyers would want to know about, and they feature these as "Judicial Highlights." In one six-month period last year, ten of

those were Indiana cases - a number far out of proportion to our state's size and judicial output. This level of national recognition reflects the good job our appellate courts do, but it also reflects splendid work by Indiana lawyers and trial judges who skillfully litigate these cases.

Thanks for Your Confidence

It has always seemed to me that our state's bench ought to have its feet firmly planted on Indiana soil, but its eyes fixed on the horizon. It should be one that cares about individual cases, big and small. And always has in its heart what we can do together, tomorrow, to be better servants than we were yesterday.

This is a time when we should move ahead to better things. One issue has been eliminated. I have thanked the legislature and Governor Daniels for lifting a perpetual cloud hung over us year after year, a cloud labeled 'compensation. And, I feel it will be in Indiana's best interest to make similar adjustments in the other two branches of government.

As for the judicial branch this is a moment when the judiciary must strive to do better than ever at helping Indiana be a safer, more prosperous, and more decent place to live. I promise you, that's what will happen.



Indiana Supreme Court Division of State Court Administration Seeks Proposals for Statewide Case Management System

On February 13, 2006, the Indiana Supreme Court Division of State Court Administration released a Public Notice of Contracting Opportunity (PNCO) seeking proposals which would provide Indiana courts and clerks with a 21st Century Case Management System (CMS).

"This undertaking is unprecedented in its breadth and complexity and encompasses all three branches of government. When completed, the CMS will fulfill the court's vision of an efficient, cost-effective and accessible statewide justice information system," said Chief Justice Randall T. Shepard. The Indiana Supreme Court's Judicial Technology and Automation Committee (JTAC), the Case Management System Executive Committee and the JTAC Statewide Governing Board jointly recommended the new procurement. This PNCO is a continuation of an automation effort first started in 2002, when the Division contracted with a vendor for a statewide CMS. That contractual relationship was terminated on mutually agreeable terms with a significant refund of monies to JTAC. As part of that previous work, an extensive list of functional requirements for an Indiana CMS were defined. Special teams including technical

experts, judges, clerks and key stakeholders have reviewed relevant portions of the functional requirements which have been incorporated in the present PNCO. "The work we have done so far provided our JTAC team with invaluable tools for building interbranch working relationships and achieving our vision of a connected, statewide CMS. In addition, Indiana can now benefit from significant advancements in CMS technology that have occurred in the past few years. In fact, many other states are now moving in the same direction that Indiana pioneered in 2002 - implementing a statewide, connected CMS," said Lilia G. Judson, Executive Director of the Division of State Court Administration. Responses to the PNCO were initially due March 15, 2006 but, at the request of vendors, the deadline was extended to March 31, 2006. The selection process will involve numerous teams and stakeholders. Finalists will be

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asked to conduct on-site demonstrations which interested clerks, judges and staff will be able to observe. The Indiana Supreme Court will select the case manage-

ment system upon the recommendation of the JTAC committee, governing board, executive committee and other stakeholders.

Judge Darden Receives Service Award

Indiana Court of Appeals Judge Carr L. Darden will receive the Distinguished Alumni Service Award May 20 during the Indiana University School of Law — Indianapolis Alumni Association's annual reunion reception.

Judge Darden earned his bachelor's degree from the Indiana University School of Business in 1966 before graduating from the law school in 1970.

Judge Darden has served as the chief deputy state public defender, as well as presiding judge in the Marion Superior Court and Marion County Municipal Court systems. He has sat on the Indiana Court of Appeals since 1994.



*Judge Carr L. Darden,
Indiana Court of Appeals*

GAL/CASA Programs Must be Certified to Receive Funds

In 2005, the General Assembly changed the law to require all GAL/CASA programs to be certified by the Supreme Court in order to be eligible for matching grants.

Previously, these matching funds were available to any courts with juvenile jurisdiction that administered a guardian ad litem ("GAL") or court appointed special advocate ("CASA") program for children alleged to be victims of child abuse or neglect. However, under the prior law, there were no minimum standards that programs were required to follow in order to assure proper screening, training and oversight of GAL/CASA programs and advocates.

In order to be certified, GAL/CASA programs must comply with the State Office of GAL/CASA Program Standards and Code of Ethics, both of which were approved by the Supreme Court Advisory Commission on GAL/CASA (comprised of GAL/CASA local program directors and judges) and the Supreme Court. Program directors and the governing body or judge over the program must also sign a Statement of Commitment as part of the certification process and submit certain documentation to the State Office.

The certification process sets out certain basic standards for GAL/CASA programs that any program that provides quality advocacy for children should abide by. For example, the Program Standards require a criminal history and child protection history check on all GAL/CASA advocates, a minimum of 30 hours of training and an ongoing training requirement, adequate supervision

of GAL/CASA, written policies and procedures for GAL/CASA, and other requirements. The Code of Ethics addresses important concepts such as confidentiality, conflicts of interest, and *ex parte* communications. The program standards and ethics requirements provide helpful guidance to programs and to those serving as GAL/CASAs and are aimed at improving the quality of advocacy for children.

GAL/CASA programs must also be certified to be eligible to apply for the Child Abuse Prevention and Treatment Act ("CAPTA") funds. Indiana has recently become eligible to receive federal CAPTA funds due in part to the fact that our law now requires a GAL or CASA for every child in every child in need of services ("CHINS") case. The Department of Child Services is providing \$500,000 in CAPTA funds to the Supreme Court this spring to be distributed to local GAL/CASA programs to assist them in providing advocacy for every abused or neglected child. Certified programs will be eligible to apply for CAPTA funds in the next few months.

If you need further information on certification of your local GAL/CASA program, please contact Leslie Rogers Dunn at the State Office of GAL/CASA, Division of State Court Administration, Indiana Supreme Court. She can be reached at lrogers@courts.state.in.us or 1-800-542-0813.

Leslie Dunn

Monroe County Family Preservation Program

For many years, the Monroe County Department of Child Services has strained to meet the rising costs of out-of-home placements for children referred by the court.

It has been a shared goal of county officials and taxpayers to reduce these placement costs while continuing to provide the necessary services to our local children. Aside from cost, it has long been a common desire of families, service providers, educators and government representatives to keep our children in our community with their families whenever possible.

In 1993, the Monroe Circuit Court Probation Department and the Monroe County Office of Family and Children began an innovative collaboration to achieve these shared aspirations. The Office of Family and Children (recently renamed Department of Child Services) entered into a contract with the Probation Department to institute a Family Preservation Program, to be operated through the Juvenile Division of the Probation Department. Juveniles who have pending or adjudicated delinquency charges who the judge refers to the program are eligible for family preservation services. The judge makes the determination of program eligibility and refers eligible juveniles to the Probation Department for a family assessment, typically as part of a Preliminary Inquiry. Participation in the Family Preservation Program is ordered by the court as part of the disposition in the juvenile delinquency case. The Family Preservation Officer provides home-based services to the family and assumes the supervision of the child's terms of probation.

The Family Preservation Program serves families of juveniles who are at imminent risk for out-of-home placement. This population includes: 1) juveniles who are court-ordered into out-of-home placement; 2) juveniles who are returning home from placement; and 3) juveniles who are placed in the program to avoid placement. Family Preservation Officers have limited caseload sizes (maximum of 12 children). The Officers provide intensive home-based services which are determined by the family's needs. These services routinely include: parenting skills instruction; anger management; substance abuse and mental health assessment and referral to treatment; financial management; and safety planning. In addition to providing services to the juvenile (delinquent), early intervention and prevention services are also targeted toward younger siblings who may otherwise also be at risk for placement in the future.

Additionally, when placement is needed for specialized treatment, the Family Preservation Program provides transitional services to the family to help prepare for a successful reunification with the child, often shortening the length of the placement. In such cases, the child's treatment progress is reinforced by a family environment which has changed in ways that correspond with the changes made by the child.

The original 1993 contract funded one Family Preservation Officer. The Family Preservation Program has proved so successful in terms of saving taxpayers' money as well as providing a successful alternative to out-of-home placement that the contract has expanded in scope. The Probation Department now has four Family Preservation Probation Officers.

The Monroe Circuit Court Probation Department is proud to be part of such innovative programming. The local community values the efforts as well. A few highlights of the program:

- ◆ During 2004, Monroe County spent approximately \$180,000 to fund the Family Preservation Program while the program provided a potential net savings in per diem costs of \$1,045,000 to the taxpayers of Monroe County.

- ◆ The Family Preservation Program completed its 12th year of operation in 2005. In these 12 years of operation, it is estimated that the County has realized a net savings in placement per diem costs of over \$7 million.

And this is just the part about the money. The success of the program does not begin and end with money. The positive effect the program has had on troubled youth and their families over the years cannot be measured in terms of dollars and cents. For the future, the program will continue to expand. In 2005, the Monroe Circuit Court judges began to utilize the Family Preservation Program to provide services to children who are not involved in delinquency court, rather who are identified as being at imminent risk for placement under other types of cases such as divorce, CHINS and paternity.

You can read more about the program on our web site, <http://www.co.monroe.in.us/probation>.

Indiana Clerks' Association and Supreme Court, Division of State Court Administration Staff Work Together on Issues of Common Interest

Among the many responsibilities of the Indiana Supreme Court, Division of State Court Administration, is a legislative mandate to "examine the administrative and business methods and systems employed in the office of the clerks of court and other offices related to and serving the courts and make recommendations for

In a parallel cooperative effort, the Association of Clerks of Circuit Courts of Indiana, in 1994, established its Records Management Committee to work with the Supreme Court's Records Management Committee and the Division on topics of common interest.



Left to right: James Corridan, Director, Indiana Commission on Public Records, Beverly Stiers, County Government Records Specialist, of the Commission, Vickie Kivett, Morgan Circuit Court Clerk, Jacqueline Rowan, DeKalb Circuit Court Clerk, Tammy Baitz, Chair, and Hamilton Circuit Court Clerk, John Newman, Division of State Court Administration, Tammy White, State Board of Accounts, and Rita Glenn, St. Joseph Clerk of the Circuit Court. Not shown was Thomas Jones, Division of State Court Administration.

necessary improvement." To guide the Division in this duty, the Supreme Court created its Records Management Committee in 1980.

and the Clerks Association's participation in the COOP program.

The clerks' Association, which meets from two to four times a year, routinely invites the staff of the Division to participate in its meetings. Current agenda items common to both organizations are application of record retention schedules, professional microfilming standards, scanning and imaging standards, disaster preparedness planning, and access to and confidentiality of court records.

At the February 23, 2006, meeting of the Clerk's Association Records Management Committee and Division Records Management Staff, among items discussed were proposed changes to Administrative Rule 7, planning for workshops to be conducted by the Division of State Court Administration in the fall,

John J. Newman

COSCA Scholarship Monies Still Available

The Conference of State Court Administrators (COSCA) has announced there is scholarship money available for judges to attend National Judicial College (NJC) classes in 2006.

COSCA will coordinate their scholarships with State Justice Institute (SJI) scholarships based on the financial need of each judge applying. These scholarships are funded from money NJC receives from a federal ear-

mark. Judges who seek scholarship support should contact **Nancy Copfer** at (775) 327-8269, or by email at copfer@judges.org.

Thoughts on Jury Service

I recently had what I thought was the misfortune of being called to jury duty, and worse, being selected to serve as a juror in Vanderburgh Circuit Court.

Over my years with the Evansville Bar Association (EBA) I have thought about many things I wanted to put in the newsletter, but in the end, have never followed-through. However, this experience was so compelling, that I feel I have to share my thoughts with you, those who are so familiar with the court system, and often earn your living in front of six or twelve people just like me.

I have always been a true believer in the American system, even when I was in disagreement with the direction of a particular governing unit, whether it be federal, state or local. In my younger years, I demonstrated, protested, became political, and still cling to the belief that individuals do make a difference. I have never had that so reinforced as it was during my two short days of jury service.

No one called for jury duty wants to serve. I never thought that I would be picked, and felt confident that even when called, I knew I would be released because of who I was and who I knew. The others who were sitting with me were also thinking of any way they could avoid selection. However, once sworn in, all of us answered every question truthfully and honestly, and the final selection of twelve took very little time. Once the Child Molestation case began, I saw the entire group develop into a cohesive unit with one clear goal, to seek the truth and render a fair and impartial verdict. A variety of people were serving, including a special ed teacher, a maintenance worker, a retired coach, a business owner, engineer, computer specialist, etc. In an instant, they became focused on the case, the defendant, and the victim, with an intensity that certainly surprised me. It was difficult, knowing that if found guilty of this charge, the defendant faced both punishment and being hated by society forever. On the other hand, if guilty, the victim, a nine-year old girl, had already experienced an unspeakable tragedy that literally made your stomach turn.

With no physical evidence, the case was based entirely on testimony. Under the new rules, we could take notes, ask questions, and discuss the case before the trial end. Although I have not served before, I can't imagine how difficult it would have been without notes and not being able to discuss issues and testimony after it was presented. Everyone took copious notes and, we were told later, asked more questions than any other jury in

Circuit Court to date. I don't know if that is good, or just being pesky! (All but three of the questions submitted were asked by the judge.)

Throughout the case, and after deliberations began, everyone treated each other with respect and dignity. The process chosen for deliberation was to ask everyone to comment on each witness, determining what was credible, and what involved contradictions and/or perceived outright lies. This process was thorough, and we then took our first vote. With ten "guilty," one "not-guilty," and one "not sure," we went back to discussion. To a person, those serving kept the jury instructions open in front of them, checking to see what weight should be given, what to use to judge truth, and referring back to the notes taken during testimony. In the end, on the second vote, we reach a unanimous guilty verdict. It was not easily achieved, and the pain we felt for the victim was then joined by the sorrow we felt for the defendant's son because we had convicted his father.

After reaching the verdict, while waiting for Court to reconvene, we discussed our experience. The high regard my fellow jurors felt for the Prosecutors, Donita Farr and Anna Clutter, and Defense Counsel, Dennis Vowels, Magistrate Kiely, Bailiff Shelly Macer, and Court Reporter Jeanine Martin, was expressed over and over. The pride of having done their job and making the system work was evident in the jurors' eyes, and certainly in my heart. All agreed it was an incredible experience, and they would never regret serving, nor would they avoid service in the future. To quote one of the jurors, speaking to Magistrate Kiely, "I will tell anyone who asks, it was an honor to serve."

All you do as lawyers is never fully appreciated. But you need to know that when the system is viewed up close, by twelve ordinary citizens, it lives up to everything that our Founders wanted it to be. For that, you can be proud of your profession and all you do to make our system work.



Susan Helfrich, Executive Director, Evansville Bar Association

Allen County ReEntry Court Project

"It is not the strongest of the species that survives, nor the most intelligent that survives, it is the one that is the most adaptable to change." Charles Darwin

In 1999, the Indiana State Legislature passed a law known as the Community Transition Statute, which allows each county in the state to develop its own Community Transitions Program to which inmates at the Department of Correction may be released early to community supervision.

In 2000, Judge John Surbeck of the Allen Superior Court, Criminal Division, Sheila Hudson, Executive Director of Allen County Community Corrections, Terry Donahue, a Fort Wayne native working for the United States Department of Justice and Graham Richard, Mayor of the City of Fort Wayne began to examine the recidivism rates of individuals serving sentences at the Department of Correction and being released to parole supervision. They found that the statistics for Allen County mirrored the national statistics, which showed that approximately 45% of offenders were returned to prison for technical violations or new charges within the first year after their release. This percentage increased to nearly 67% after the third year.

After examining those statistics, they conceived the idea of a voluntary, "ReEntry Court" Project. It ran from July 1, 2001 to June 30, 2003 and focused on inmates being released to the southeast quadrant of the city of the city of Fort Wayne who also had parole supervision after serving their prison sentence. Reallocating existing resources at the state and county levels funded this project. It provided for supervision of the parolees for the first four to six months of their release under electronic monitoring while also providing the returning offenders with direct access to assistance with issues they face upon their return the civilian world. The mission of the project was to significantly lower the rate of recidivism of returning offenders through gradually decreasing levels of supervision and enhanced delivery of services while maintaining public safety.

The project had one experimental group and 5 comparison groups. The experimental group was the ReEntry group. The re-arrest rate for those subjects in the ReEntry group was significantly lower than the re-arrest rate for those in four of the five comparison groups although there was not a significant difference with the Transition with Probation group. The percentage rearrested within one year of release reduced from 45% to 22.5%. And, the

percentage rearrested within one year for a Class A misdemeanor or a Class D felony was 19.1%. For a detailed analysis of these findings Table 1 in the report more fully explains the results.

The cost benefit analysis indicated that the 2-year cumulative cost savings for the 209 offenders in the ReEntry experimental condition was \$1,952,907. The savings to the community was \$1,753,787 and the savings to the state was \$834,120. The operation cost of the program was \$635,000.

One unique aspect of the ReEntry Court Project in Allen County is that no grant funding was required for operation of the project. The Criminal Justice Institute funded a two-year evaluation of the program by the Arizona State University, Institute for Public Sector Transformation. The project was subsidized by a per diem from the Department of Correction and offender reimbursements of cash or community service work.

The ReEntry Court is able to draw from a number of programs that offer activities designed to facilitate the reintegration of offenders into the community, including: GED classes, Life Skills Training, Cognitive Skill Development, Sex Offender Treatment, Crisis Intervention, Substance Abuse Programs, Mentoring, the Victim/Offender Conferencing and The Allen County Reseeding Project.

Faith-based organizations have been actively involved in the ReEntry Court since its inception and have been instrumental in assisting returning offenders with housing. While no formal mentoring program yet exists, several pastors from area churches regularly attend the ReEntry Court sessions to counsel participants who are frustrated with the restrictions of the program.

For more information on this Project please contact The Honorable John F. Surbeck, Jr., Allen Superior Court, 715 S. Calhoun Street, Room # 302, Fort Wayne, IN 46802-1805, (260) 449-7583, email: jsurbeck1@earthlink.net.

*This article was compiled by James F. Maguire from the Allen County ReEntry 2 Year Pilot Study and the PowerPoint Presentation supplied by the office of Judge Surbeck.

Bringing Domestic Violence To Justice: Make Sure Batterer Intervention is Done Right

The batterer intervention program (BIP) has become an important part of a community strategy to confront the crime of domestic violence in Indiana. Judges, prosecutors and attorneys should distinguish between programs that are competent and accountable, and those that are not. They should insist upon utilization only of competent programs. Fortunately, this is made easy by the existence of a certification process available through the Indiana Coalition against Domestic Violence.

In 2001, after a long process of input and revision that included professionals who work in the fields of batterer intervention and victim advocacy, as well as prosecutors, judges and law enforcement leaders, the Indiana Coalition against Domestic Violence (ICADV) developed written standards for batterer intervention programs. ICADV houses a committee that reviews programs for certification, offers technical assistance for compliance, and is able to review and certify individuals who wish to practice in the field.

These standards set forth minimum requirements for program content, procedures to establish accountability to the legal system, a code of training and ethics for practitioners, requirements for consultation with victim advocates, and procedures for victim outreach. The standards require that there be a minimum of 26 weekly sessions for mandated batterers, and that programs be accessible and relevant to participants representing diverse cultures, races and economic abilities.

Allen County, in which I preside, is fortunate to have two certified programs. This makes the administration of justice simple and uniform. We are able to rely upon Allen county's certified programs to be responsive to the reporting needs of the court, while providing competent

services that offer a real opportunity for batterers to change behavior without burdening the criminal justice system. Courts in some of our venue counties, insisting upon certified programs, are sending defendants in our Allen County BIP's rather than to local programs that are not certified.

As a society, we have come a long way since the early 1980's, when domestic violence was not being properly confronted by our legal and social systems. With leadership from local judge or prosecutor, any community can establish a system-wide intervention protocol for domestic violence that will include certification of the batterers program. Any judge or prosecutor who wishes to know how to encourage the establishment of a certified BIP in his or her community should contact ICADV at 1-800-538-3393. The standards are published online at the ICADV web site, www.violenceresource.org/bipstand.htm. You may obtain a list of currently certified programs at www.violenceresource.org/bipcertprog.htm.

Insist that your local program become a certified BIP. I urge that all Indiana lawyers, judges and prosecutors take this simple initiative to improve criminal justice administration and to help stop the domestic violence plague.

Honorable John F. Surbeck, Jr.

New Books Available from Indiana Supreme Court Library

Kim L. Schwant, Reference/Catalog Librarian, Indiana Supreme Court Law Library, kschwant@courts.state.in.us, (317) 232-2557, would like to remind all of our trial court judges that they can borrow books and other materials from the library. She has submitted just a short list of some of the new books available. You can access all of the available materials at the library's website at: <http://www.in.gov/judiciary/library/collection.html>.

REFERENCE NA4410.7 .T57 2005

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Maze, Candice L. Domestic violence advocacy in dependency court : the Miami-Dade Dependency Court Intervention Program for Family Violence handbook. [Reno, NV]: Permanency Planning for Children Department, National Council of Juvenile and Family Court Judges, c2005.

Kim L. Schwant

Marion County Superior Courts and IBA Cooperate on Pro Bono Project

When faced with an indigent client who desperately needs a lawyer, Marion County Superior Court judges have been using a web-based tool that quickly connects the client with a local attorney who will take the case on a pro bono basis.

The Marion Superior Court Pro Bono Project has been in business since the Fall of 2003 and is organized in cooperation with the Indianapolis Bar Association as one of its many pro bono programs.

One of the novel features of the program is the on-line connection and the “real time” case assignment. From the bench, the judge can access an Internet-based database of attorneys who have already agreed to be volunteers. The judge then telephones the lawyer immediately to see if the lawyer can take the case.

If the attorney agrees, an email with the case number, and client information is automatically sent to the attorney’s email address. The judge also hands the attorney’s contact information to the client. It is the

responsibility of the client to contact the attorney, but if the client does not call within 10 days, the attorney has no responsibility to find the client or represent them.

Over 100 lawyers have agreed to take cases. To date, just over 115 cases have been opened and 69 of those are completed. The program’s lawyers have agreed to take cases in the Family Law area, Guardian ad Litem and for witness assistance in major felony cases involving the Fifth Amendment. Indianapolis area attorneys have donated 858 hours to the program.

For further information on this program please contact:

Caren Chopp
Pro Bono and Legal Services Director
Email: cchopp@indybar.org

Dave Remondini



Three Indiana State and two Indiana Federal Judges Named as Top Judges by Lawdragon 500

INDIANAPOLIS—Marion Superior Court **Judge Jane Magnus-Stinson** has been named as one of the country’s top judges by Lawdragon.com, an online legal web resource that provides legal referrals, legal news and critical reviews of lawyers and judges.

Lawdragon determines the final list based upon peer review and its own independent research. Four other Indiana judges were nominated, including Indiana Supreme Court **Chief Justice Randall T. Shepard** and **Justice Frank Sullivan, Jr.**, and United States Federal District Court **Judges Sarah Evans Barker** and **David F. Hamilton**. Judge Magnus-Stinson was the only Indiana state trial court judge nominated.

“The criminal court judge is known for her tough sentences and a quest to relieve overcrowded jails,” noted Lawdragon in its selection of Judge Magnus-Stinson.

“I’m honored to be a part of the Lawdragon’s top 500 judges in America, and particularly honored to be in the company of such esteemed Indiana jurists. I’m representing all of my colleagues on the Marion Superior Court who individually and collectively work very hard each day to ensure justice for our community,” said Judge Magnus-Stinson.

To view the entire Lawdragon Top 500 Judges in America, visit <http://www.lawdragon.com>.

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Our goal is to foster communications, respond to concerns, and contribute to the spirit and pride that encompasses the work of all members of the judiciary around the state. We welcome your comments, suggestions and news. If you have an article, advertisement, announcement, or particular issue you would like to see in our publication, please contact us.

If you would like to receive this newsletter via e-mail, or by accessing our website, please send a message to dguthrie@courts.state.in.us to have your name added to our electronic list and removed from our hardcopy mailing list.

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Please Circulate to Co-workers

**This newsletter reports on
important administrative matters.
Please keep for future reference.**

Indiana Court Times

Indiana Supreme Court
Division of State Court Administration
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Indianapolis IN 46204-3466